

engrossment of the bill and asked to have that motion spread upon the journal.

Senator Harrison moved to postpone pending business and take up out of its regular order Senate bill No. 288 entitled "An act to amend an act to incorporate the city of Waco and to define its boundaries and powers, approved February 19, 1889, for the purpose of recommitting the bill."

Adopted.

Senator Harrison moved to recommit the bill to committee on Incorporate Cities and Towns.

Adopted.

The chair announced the following committee on second conference asked for by the House on Senate bill No. 10:

Senators Potter, McKinney, Clark, Atlee and Cranford.

On motion of Senator Clark, the Senate adjourned until tomorrow morning at 10 o'clock.

THIRTY-EIGHTH DAY

SENATE CHAMBER,

Austin, February 26, 1891.

The Senate met pursuant to adjournment.

Lieutenant Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answering to their names:

PRESENT—24.

Atlee.	Garwood.	Potter.
Carter.	Glascock.	Seale.
Clark.	Harrison.	Simkins.
Clemens.	Johnson.	Sims.
Crane.	Kearby.	Stephens.
Cranford.	Kimbrough.	Townsend.
Fiuch.	Maetze.	Tyler.
Frank.	Pope.	Weiger.

Prayer by the chaplain, Dr. Smoot.

Pending the reading of the journal on motion of Senator Stephens the further reading of the same was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Stephens:

Petition from citizens of Hardeman county against the passage of the act known as the validating act.

Read first time and referred to committee on Public Lands.

By Senator Seale:

Petition of citizens of San Jacinto county for a law restoring the civil and criminal jurisdiction to the county court of said county.

Read first time and referred to Judiciary committee No. 1.

S J—17

By Senator Stephens:

Petition of citizens of Floyd county praying for a uniform system of school books, etc.

Read first time and referred to committee on Education.

COMMITTEE REPORTS.

Senator Carter made the following report:

COMMITTEE ROOM,

Austin, February 26, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Senate bill No. 254, being "An act to amend section 6 of chapter 59 of the acts of 1839, entitled 'An act to provide for the appointment of receivers and to define their powers and duties, and to regulate proceedings under such appointment of receivers,' as passed by the Twentieth legislature, and approved April 2, 1887,"

And find the same correctly engrossed.

CARTER, Chairman.

Senator Maetze made the following report:

COMMITTEE ROOM,

AUSTIN, February 26, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Rules, to whom was referred

Resolution offered by Senator Kearby, that hereafter Saturday of each week be and the same is hereby designated as the day for considering local and special bills, and that all such bills be not considered on any other day than Saturday except by unanimous consent of the Senate,

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

MAETZE, Chairman.

Senator Kimbrough offered the following amendment to the resolution:

Strike out the word 'unanimous.'

On the question, shall the amendment be adopted, the vote was as follows:

YEAS—11.

Frank.	Potter.	Stephens.
Garwood.	Seale.	Townsend.
Harrison.	Simkins.	Weisiger.
Kimbrough.	Sims.	

NAYS—11.

Atlee.	Cranford.	Maetze.
Clark.	Fiuch.	Pope.
Clemens.	Johnson.	Tyler.
Crane.	Kearby.	

There being a tie, the chair voted "no," and the amendment was lost.

Senator Townsend offered the following amendment:

Amend by striking out the word "special" where it occurs in the resolution.

Adopted.

Senator Harrison offered the following amendment:

Amend resolution by adding, "provided that no other bill shall be considered on Saturday, when any member shall have for the consideration of the Senate a local measure."

Adopted.

The resolution was adopted by the following vote:

YEAS—18.

Atlee,	Winch,	P pe,
Carter,	Glas-cock,	Potter,
Clark,	Harrison,	Seale,
Cl mens,	Johnson,	Sinkins,
Crane,	Kearby,	Townsend,
Cranford,	Maetze,	Weisiger.

NAYS—6.

Frank,	Kimbrough,	Stephens,
Garwood,	Sims,	Tyler.

Senator Johnson made the following reports:

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Internal Improvements to whom was referred

Senate bill No. 295 being "An act to authorize the sale and conveyance of the Missouri, Kansas and Texas Railway Company's lines of railroad and other properties within this State, and certain lines of railroad heretofore operated by, or as the property of the Missouri, Kansas and Texas Railway Company, or as a part of the system of roads within the State, known as the Missouri, Kansas and Texas railway, and to provide for and authorize the sale, transfer and conveyance of said lines of railroad to, and the purchase and operation thereof by a single corporation, company or association of persons to be incorporated under the laws of this state and to settle and dispose of certain pending suits brought by the state of Texas against said Missouri, Kansas and Texas railway company wherein the powers, privileges and franchises granted it within the state are sought to be forfeited."

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do pass with the following amendments:

First—Insert the word "judgment" after the word "lines" in line 2 section 3.

Second—Strike out the word "may" in line 20, section 3, and insert "shall."

Third—Strike out "shall be deemed

full paid stock," and in lines 23, 24, section 3.

Fourth—Add to the end of section 3 the following:

"Provided that the stock authorized to be issued above shall not exceed \$10,000 on each mile of completed railway acquired under the provisions of this act."

JOHNSON, Chairman.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Internal Improvements, to whom was referred Senate bill No. 312, being "An act to authorize railway companies to construct and operate extension or branch lines to points within fifteen miles of their road without charter amendment."

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do pass.

JOHNSON, Chairman.

COMMITTEE ROOM,

Austin, February 25, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Internal Improvements to whom was referred

Senate bill No. 300, being "An act to provide for incorporation of railway companies for the purpose of acquiring, owning, maintaining and operating any line or lines of railway within this State and authorized by law to be sold, and to empower such companies when so organized to purchase and extend."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

JOHNSON, Chairman.

COMMITTEE ROOM,

Austin, February 21, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Internal Improvements, to whom was referred

Senate bill No. 270, being "An act to protect railroad companies from attaching any conditions to passenger tickets and to compel them to transport the owner, holder or assignee of any passenger ticket over their lines and to grant a lie over ticket to such passengers between stations, and providing a penalty for violation of this act."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

JOHNSON, Chairman.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Internal Improvements, to whom was referred

Senate bill No. 166, being "An act to compel railroad companies to provide facilities and transportation for express companies on their line of railroad in this state, and to receive, transmit and discharge all freight and other property for such express companies as is not prohibited by law to be carried as express at all stations and stopping places on the line of said railroad and to prevent discriminations in charges against any one express company over another for toll, rent or transportation of freight, etc., over the line of railroad companies, and to provide that more than one express company can carry on business over the line of said railroad and to provide for suit and penalty for any violation of this act,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

JOHNSON, Chairman.

Bill read first time.

Senator Glasscock gave notice that he would offer a minority report.

Senator Kearby made the following report:

COMMITTEE ROOM,
AUSTIN, Tex., January 25, 1891. }

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Incorporated Cities and Towns, to whom was referred

Senate bill No. 311, being "An act to amend section 1 of an act approved April 8, 1889, to amend an act to regulate the condemnation of property in cities and towns for the purpose of opening, widening or changing public streets, avenues or alleys, or for water mains or sewers; approved March 28, 1883, so as to regulate condemnation of property for erection thereon of hospitals and pesthouses,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

KEARBY, Chairman.

Senator Glasscock made the following reports:

COMMITTEE ROOM,
Austin, February 25, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Education, to whom was referred

Senate bill No. 291, being "An act to establish and maintain an industrial high

school of a grade intermediate between the common schools and the state university and the Agricultural and Mechanical college, to provide for the acquisition of suitable grounds and buildings, and to make an appropriation therefor."

Your committee also attach to the bill a proposition from the Marble Falls Alliance University board of directors to donate their building, grounds and town lots as a site for the location of said school at Marble Falls, and recommend that the same be printed with the bill.

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

GLASSCOCK, Chairman.

COMMITTEE ROOM,
Austin, February 25, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Education, to whom was referred

Senate bill No. 302, being "An act to establish and maintain precinct school districts in the State of Texas and to provide for the support and maintenance of public free schools therein, and to repeal all laws and parts of laws in conflict herewith,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

GLASSCOCK, Chairman.

COMMITTEE ROOM,
Austin, February 25, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Education, to whom was referred

Senate bill No. 310, being "An act to provide for granting state certificates to certain teachers in this state,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

GLASSCOCK, Chairman.

COMMITTEE ROOM,
Austin, February 25, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Education, to whom was referred

Senate bill No. 297, being "An act provide for independent school districts and for the organization, maintenance and control of public free schools in the same and repealing all laws and parts of laws in conflict herewith,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

GLASSCOCK, Chairman.

Senator Townsend made the following reports:

COMMITTEE ROOM,
Austin, February 25, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Judicial Districts, to whom was referred

Senate bill No. 268, being "An act to create the Forty-ninth judicial district of the state of Texas, and to provide the time for holding court in the Thirteenth, Eighteenth, Nineteenth and Forty-ninth judicial districts,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

TOWNSEND, Chairman.

COMMITTEE ROOM,
Austin, February 25, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Judicial Districts, to whom was referred

House bill No. 162, being an act to be entitled "An act to amend an act to reorganize the 32d, 33rd, 35th and 39th judicial districts, and to create the 42nd judicial districts of the state of Texas, and to fix the times of holding courts therein, and to provide for the appointment and election of judges and district attorneys in the 32nd and 42nd judicial districts and repeal all laws and parts of laws in conflict herewith,"

Approved March 31, 1887.

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

TOWNSEND, Chairman.

Bill read first time.

COMMITTEE ROOM,
Austin, February 25, 1891.

Hon. George C. Pendleton, President of the Senate.

Sir—Your committee on Judicial Districts, to whom was referred

House bill No. 142, being "An act to fix the time for holding the district court in the Twenty-fourth judicial district,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

TOWNSEND, Chairman.

Bill read first time.

Senator Seale made the following report:

COMMITTEE ROOM,
Austin, February 26, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Insurance and Statistics, to whom was referred

Senate bill No. 309, being "An act to amend an act to provide for the admission from other states of companies or associations carrying on the business of life or casualty insurance on the assessment or natural premium plan,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

SEALE, Chairman.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
TWENTY-SECOND LEGISLATURE,
AUSTIN, Tex., Feb. 26, 1891. }

Hon. George C. Pendleton, President of the Senate:

Sir—I am instructed to inform the Senate that the House has passed by a two-thirds vote, yeas 90, nays none,

House joint resolution No. 1, to amend section 11, article 16, of the constitution of the state of Texas, with the attached engrossed rider amendments.

Also that the House has passed House bill No. 430, being "An act to amend article 4238 of the revised statutes of the state of Texas, as amended by the act approved April 8, 1889," by a two-thirds vote—yeas 83, nays none.

SAM H. DIXON,

Chief Clerk House of Representatives.

BILLS AND RESOLUTIONS.

By Senator Potter:

A bill to be entitled "An act to amend an act entitled 'An act to amend article 425c, chapter 55, of the revised civil statutes of the state of Texas, approved March 23, 1887, to authorize cities and towns to levy and collect taxes for the construction of public buildings, water works, sewers, improvements of roads and bridges, street and other permanent improvements, to issue bonds therefor and to repeal all laws in conflict therewith, and declaring an emergency.'"

Read first time and referred to committee on Incorporated Cities and Towns.

Senator Stephens offered the following resolution:

Whereas, it is reported and gener-

ally believed that several members of this body, including the presiding officer did accept free passes over the line of the Austin and Northwestern Railroad company on last Sabbath, and did use said free passes on an excursion to Marble Falls on said day, and

Whereas, this Senate, before said time had passed a bill prohibiting such wicked and corrupt pretenses and

Whereas, said reported use of said passes was in direct violation of the provisions of said bill.

Therefore be it Resolved, That the seargent-at-arms (provided that he is not guilty himself) be required to investigate said charges aforesaid, and if he find the same to be true, that he arrest the offenders and bring them into the bar of the Senate, there to be reprimanded by the chaplain of the Senate (provided that he is not also guilty of said offense) said reprimand shall consist of a moral lecture on that passage of the Holy Scriptures which says: "Thou shalt not pass."

(Senator Townsend in the Chair.)

Senator Carter moved to refer the resolution to the railroad lobby.

Ruled out of order.

Senator Cranford moved to refer it to the committee on asylums.

Senator Pope moved as a substitute to refer to committee on retrenchment and reform.

Adopted.

Senator Frank moved to reconsider the vote which referred the resolution to the committee on retrenchment and reform.

Adopted.

Senator Johnson moved to lay the resolution on the table.

Adopted.

By Senator Crane:

A bill to be entitled "An act to authorize the republication of certain laws of Coahuila and Texas; the ordinances and decrees of the general council of Texas; the general and special laws of the congress of the republic of Texas, and the general and special laws of the several legislatures of the State of Texas to and inclusive of A. D. 1876, and to make an appropriation therefor."

Read first time and referred to Judiciary committee No. 1.

By Senator Kearby (by request):

A bill to be entitled "An act to prohibit the barter, sale or exchange of vinous, malt or other intoxicating liquors or medicinal bitters in any quantity within a radius of one and one-half miles of Lone Star Institute

in Cherokee county, Texas, and to provide a penalty therefor."

Read first time and referred to Committee on State Affairs.

By unanimous consent, Senator Pope made the following report from special committee:

Austin, February 25, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your special committee, appointed to provide arrangements on the presentation of the portrait of Jefferson Davis to the Senate on the 8th proximo at 8 p. m., beg leave to report the following:

The Senate and House of Representatives will meet in the Senate Chamber at the above hour. The portrait will be presented to the Senate on behalf of the donors by Hon. Frank R. Lubbock. The lieutenant governor, on behalf of the Senate, will make acknowledgment of the presentation.

The committee recommend that the House be respectfully requested to meet with the Senate in the above ceremonies.

Respectfully submitted,

POPE,
WEISIGER,
CLARK,
HARRISON,
SIMKINS,
Committee.

Adopted.

ORDER OF THE DAY.

Senate bill No. 121, entitled "An act to amend article 4390a of the revised civil statutes, title 87, chapter 1 as amended F. b. 5, 1884, by the Eighteenth legislature of the state of Texas."

On second reading, question recurred to substitute of Senator Tyler for the amendment of Senator Kimbrough to the amendment of Senator Stephens, which was adopted by the following vote:

YEAS—14.

Atlee,	Cranford,	Maetze,
Carter,	Frank,	Pope,
Clark,	Harrison,	Sims,
Clemens,	Johnson,	Tyler,
Crane,	Kearby,	

NAYS—9.

Fitch,	Kimbrough,	Simkins,
Garwood,	Porter,	Stephens,
Glasscock,	Seale,	Townsend,

The following message was received from the House:

HALL OF THE HOUSE OF REPRESENTATIVES, AUSTIN, Tex.,
February 26, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—I am instructed to inform the Senate that the House has passed by

a two-thirds vote the following House bills, to-wit:

Substitute House bill No. 246 "An act to reorganize the Thirty-fifth judicial district, and to create the Fifty-first judicial district of the State."

House bill No. 416, "An act to validate deeds made by the town of San Elizario while acting under the general incorporation laws"

House bill No. 417, "An act to validate deeds made by the town of Socorro while acting under the general incorporation laws"

House bill No. 510, "An act to amend article 145, chapter 3, of the revised statutes of Texas."

House bill No. 448, "An act to reorganize the Thirty-second and Thirty-ninth judicial districts and to create the Fiftieth judicial district of the State of Texas, to fix the time for holding courts therein, to provide for the appointment and election of a judge and district attorney in the Fiftieth judicial district, and to repeal all laws in conflict herewith."

Respectfully,

SAM H. DIXON,

Chief Clerk House of Representatives.

The chair gave notice of signing and signed in the presence of the Senate

House bill No. 242, entitled "An act to authorize the transfer of the Confederate Home at Austin from private to State management, and to establish said home as a State institution and provide for its support."

The amendment to the amendment as substituted to the pending bill was adopted.

The amendment as amended was adopted by the following vote:

YEAS—15.

Atlee,	Frank,	Seale,
Carter,	Johnson,	Sinkins,
Clark,	Kearby,	Sims,
Crane,	Maetze,	Stephens,
Cranford,	Pope,	Tyler.

NAYS—8.

Finch,	Harrison,	Townsend,
Garwood,	Kimbrough,	Weisiger.
Glasscock,	Potter,	

Senator Kimbrough offered the following amendment:

Amend by adding the following section: "Section 2. The near approach of the close of the present session of the legislature creates an emergency, and an imperative public necessity exists requiring the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is so suspended."

Adopted.

Senator Townsend offered the following amendment:

"And provided further, that counties having under 35,000 inhabitants shall be governed and controlled by the present laws on this subject."

Senator Sims offered the following substitute:

Amend so as to read: "That all counties of less population than 40,000 the commissioners court shall have ten days within which to supervise their roads."

The chair gave notice of signing, and signed in presence of the Senate:

Senate bill No. 217, entitled "An act to create the county of Beaver out of parts of Hardeman, Knox and Cottle counties, and to provide for its organization."

The substitute of Senator Sims for the amendment of Senator Townsend to the pending bill was adopted.

The amendment as amended was adopted.

The Senate refused the engrossment of the bill by the following vote:

YEAS—9.

Frank,	Potter,	Stephens,
Garwood,	Seale,	Tyler.
Kimbrough,	Sims,	Weisiger.

NAYS—13.

Atlee,	Finch,	Kearby,
Carter,	Glasscock,	Maetze,
Clemens,	Harrison,	Pope,
Cranford,	Johnson,	Sinkins,
		Townsend,

Senator Glasscock moved to reconsider the motion by which the Senate refused to engross the bill, and asked to have that motion spread upon the Journal

Senator Townsend moved to postpone pending business and take up out of its regular order House bill No. 386, entitled "An act to define who are fellow servants and who are not fellow servants."

Adopted and bill read second time with the following committee amendment:

Section 3. No contract made between the employer and the employee based upon the contingency of the injury or death of the employee limiting the liability of the employer under this act or fixing damages to be recovered shall ever be valid and binding.

Senator Stephens moved to instruct the enrolling clerk to strike out the word "west" and insert the word "east" in lieu thereof in line 8 page 1, printed bill of Senate bill No. 217.

Adopted.

House bill No. 448, entitled "An act to reorganize the Thirty-second and Thirty-ninth judicial districts and to create the Fiftieth judicial district of the State of Texas; to fix the time for

holding court therein; to provide for the appointment and election of a judge and district attorney in the Fifth judicial district and to repeal all laws in conflict herewith."

Read first time and referred to committee on Judicial Districts.

House bill No. 430, entitled "An act to amend article 4238 of the revised statutes of the State of Texas as amended by the act approved April 8, 1889."

Read first time and referred to Judiciary committee No. 1.

House bill No. 417, entitled "An act to validate deeds made by the town of Socorro while acting under the general incorporation laws."

Read first time and referred to Judiciary committee No. 1.

House bill No. 416, entitled "An act to validate deeds made by the town of San Elizario while acting under the general incorporation laws."

Read first time and referred to Judiciary committee No. 1.

Substitute House bill No. 246, entitled "An act to reorganize the Thirty-fifth judicial district and to create the Fifty-first judicial district of the State."

Read first time and referred to committee on Judicial Districts.

House joint resolution No. 1, to amend section 11, article 16 of the constitution of the state of Texas.

Read first time and referred to committee on Constitutional Amendments.

The committee amendment to House bill No. 386 was adopted.

Senator Townsend offered the following amendment:

Amend section 2, page 2, line 2 after the word "purpose" by adding as follows:

"Of same grade."

Adopted.

Senator Townsend offered the following amendment:

Amend section 2, Page 2, line 8 by striking out all after the word "corporation" and inserting the following:

Employees who do not come within the provisions of this section shall not be considered fellow servants.

Adopted.

House bill No. 510 entitled "An act to amend article 145, chapter 3 of the revised statutes of Texas," was

Read first time and referred to committee on Asylums.

Senator Stephens offered the following amendment to House bill No. 386:

Amend line 2, page 1, section 1, by

striking out the word "railroad."

Senator Carter moved to lay the amendment on the table.

Adopted.

The bill was passed to third reading.

Senator Stephens moved to postpone substitute Senate bill Nos. 52 and 54, entitled "An act to provide for the creation of a board of railroad commissioners, and to prescribe their powers and duties; to regulate railroad freight and passenger tariffs; to define and prohibit extortion and unjust discrimination; to require railroads to maintain adequate and suitable depot buildings and accommodations, and to keep up their road bed and track; to require railroads to keep their schedules of rates posted; to prevent false weighing and billing; to correct abuses of railroads; to prescribe modes of procedure and rules of evidence, and to provide penalties for the enforcement of this act."

Which was regular order until next Monday.

Senator Stephens made the point of order

That Senate bill No. 1 was made the special order on the 14th of this month and Nos. 52 and 54 was on the following day made a special order for a day earlier than No. 1, and that No. 1 should be first considered, because it was first made a special order.

Which was overruled by the chair.

By consent Senator Clark sent up the following committee report:

COMMITTEE ROOM,

Austin, February 26, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on State Asylums to whom was referred

House bill No 510, being "An act to amend article 145, chapter 3, of the revised statutes of Texas."

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do pass, with the following amendment, to-wit:

By inserting the words "any or" between the words "reject" and "all" in line 16.

All of which is respectfully submitted.

CLARK, Acting Chairman.

The motion of Senator Stephens to postpone substitute Senate bill Nos. 52 and 54 till next Monday was adopted by the following vote:

YEAS—12.

Atlee,
Carter,
Clark,

Frank,
Glasscock,
Harrison,

Stephens,
Townsend,
Tyler.

Crane, Sims, Weisiger.

NAYS—11.

Clemens, Johnson, Pope,
Cranford, Kearby, Potter,
Finch, Kimbrough, Seale.
Garwood, Maetze,

Senator Clark moved to postpone pending business, which was adopted by the following vote:

YEAS—18.

Atlee, Glasscock, Pope,
Clark, Harrison, Simkins,
Clemens, Johnson, Sims,
Cranford, Kearby, Townsend.
Finch, Kimbrough, Tyler.
Garwood, Maetze, Weisiger.

NAYS—5.

Carter, Potter, Stephens.
Frank, Seale,

Senator Clark moved to take up out of its regular order House bill No. 510, entitled "An act to amend article 145, chapter 3 of the revised statutes of Texas, which was adopted by four-fifths vote, as follows:

YEAS—17.

Atlee, Garwood, Maetze,
Clark, Glasscock, Pope,
Clemens, Harrison, Simkins,
Crane, Johnson, Sims,
Cranford, Kearby, Townsend.
Finch, Kimbrough, Weisiger.
Frank,

NAYS—4.

Carter, Seale, Stephens.
Potter,

Bill read second time with the following amendment:

Amend by inserting the words "any or" between the words "reject" and "all" in line 16.

Bill passed to a third reading.

Senator Clark moved that the constitutional rule requiring a bill to be read on three several days be suspended, and that the bill now pass to a third reading and final passage.

Adopted by the following vote:

YEAS—21.

Atlee, Garwood, Pope,
Clark, Glasscock, Seale,
Clemens, Harrison, Simkins,
Crane, Johnson, Sims,
Cranford, Kearby, Townsend.
Finch, Kimbrough, Tyler.
Frank, Maetze, Weisiger.

NAYS—3.

Carter, Potter, Stephens.

Bill read third time and passed by the following vote:

YEAS—21.

Atlee, Garwood, Pope,
Carter, Glasscock, Simkins,
Clark, Harrison, Sims,
Crane, Johnson, Stephens.
Cranford, Kearby, Townsend.
Finch, Kimbrough, Tyler.
Frank, Maetze, Weisiger.

NAYS—3.

Clemens, Potter, Seale.

Senator Johnson made the point of order that Senate bill No. 1 had lost its place on the calendar because a

motion had prevailed to postpone the regular order indefinitely at a time when Senate bill No. 1 was regular order, which was overruled by the chair.

Senator Johnson moved to postpone Senate bill No. 1 till next Tuesday.

Senator Glascock moved to table the motion, which was declared out of order.

The motion to postpone was lost by the following vote:

YEAS—10.

Atlee, Johnson, Maetze,
Clark, Kearby, Pope,
Clemens, Kimbrough, Tyler.
Cranford,

NAYS—13.

Carter, Glasscock, Simkins.
Crane, Harrison, Sims.
Finch, Potter, Stephens.
Frank, Seale, Townsend.
Garwood

Senate bill No. 1, entitled "An act to provide for the holding of the terms of the supreme court commission of appeals and court of appeals at Austin, Texas."

Read second time with a majority and minority report the majority recommending the passage of the bill.

Senator Johnson moved to adopt the minority report.

On motion of Senator Kearby Senator Lubbock was excused indefinitely on account of important business.

On motion of Senator Kearby Senator Page was excused indefinitely on account of important business.

On motion of Senator Clark Senator McKinney was excused till Monday on account of important business.

The chair gave notice of signing and signed in presence of Senate substitute Senate bills Nos. 85 and 93, entitled "An act to amend chapter 1, title 17 of the revised civil statutes of the state of Texas by the addition of article 340c thereto.

The following message was received from the House:

HALL OF THE HOUSE OF REPRESENTATIVES, AUSTIN, TEXAS. }
February 26, 1891.

Hon Geo C. Pendleton, President of the Senate:

Sir—I am directed to inform the senate that the house has passed Senate Bill No. 97, known as the "Separate Coach Bill," with the attached amendments.

Respectfully,

SAM H. DIXON,

Chief Clerk H. of R.

House amendments to Senate Bill No. 97.

Strike out after the words "Section

1," and insert in lieu thereof the following:

Be it enacted by the Legislature of the state of Texas: that every railroad company doing business in this state as common carriers of passengers for hire shall provide separate coaches for the accommodation of white and negro passengers, which separate coaches shall be equal in all points of comfort and convenience.

Sec. 2. The term negro includes every person of African descent as the term is generally understood.

Sec. 3. Each compartment of a coach divided by a good and substantial wooden partition shall be deemed a separate coach within the meaning of this act, and each separate coach shall bear in some conspicuous place appropriate words in plain letters indicating the race for which it is set apart.

Section 4. Any railroad company which shall fail to provide its trains carrying passengers with separate coaches as above provided for, shall be liable for each and every such failure, to a penalty of not exceeding \$1000 to be recovered by suit in the name of the State in any court of competent jurisdiction, and each trip run by any train without such separate coaches shall be deemed a separate offense.

Section 5. Any passenger upon a train provided with separate coaches for white and negro passengers, who shall knowingly go into and attempt to ride in any coach not set apart for his race, or who shall refuse to leave such coach after being requested by any employe of the railroad on said train shall be guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, shall be punished by a fine of not less than \$25 nor more than \$200.

Section 6. The provisions of this act shall not be so construed as to prohibit nurses from traveling in the same coach with their employers, nor employes upon the train in the discharge of their duties, nor shall it be construed to such freight trains as may carry passengers in cabooses.

Section 7. The term coaches, as used in this act, does not apply to sleeping cars or hotel cars, and the provisions of this act do not in any wise apply to street railway cars.

Section 8. Every railroad company carrying passengers in this State shall keep this law posted in a conspicuous place in each office and in each passenger coach provided for in this act.

Section 9. The provisions of this act shall not apply to any excursion train run strictly as such for the benefit of either race.

Section 10. The employes of said train shall have the authority to refuse any passenger admittance to any coach in which he is not entitled under the provisions of this act to ride, and the conductor on each train shall have authority to remove from any such separate coach any passenger who is not under this act entitled to ride therein.

Amend the caption by striking out the word "colored" and insert in lieu thereof the word "negro."

Senator Johnson moved to adjourn to 10 a. m. tomorrow.

Lost by the following vote:

YEAS—11.

Atlee,	Johnson,	Pope,
Clark,	Kearby,	Townsend,
Clemens,	Kimbrough,	Tyler.
Crawford,		

NAYS—13.

Carter,	Glascock,	Simkins,
Crane,	Harrison,	Sims,
Finch,	Potter,	Stephens,
Frank,	Seale,	Weisiger.
Garwood,		

Senator Clemens moved to adjourn to 9:30 a. m. tomorrow. Lost by the following vote:

YEAS—9.

Atlee,	Crawford,	Maetze,
Clark,	Johnson,	Pope,
Clemens,	Kearby,	Tyler.

NAYS—14.

Carter,	Harrison,	Sims,
Finch,	Kimbrough,	Stephens,
Frank,	Potter,	Townsend,
Garwood,	Seale,	Weisiger.
Glascock,	Simkins,	

Senator Carter moved the previous question, which was seconded.

Senator Johnson moved a call of the Senate, which was ordered.

The following Senators answered to their names:

PRESENT—24.

Atlee,	Garwood,	Potter,
Carter,	Glascock,	Seale,
Clark,	Harrison,	Simkins,
Clemens,	Johnson,	Sims,
Crane,	Kearby,	Stephens,
Crawford,	Kimbrough,	Townsend,
Finch,	Maetze,	Tyler.
Frank,	Pope,	Weisiger.

ABSENT—1.

Ingram,

Senator Pope moved to adjourn to 10 a. m. tomorrow, which was declared out of order by the chair.

Senator Townsend moved to excuse the absentees, which was lost by the following vote:

YEAS—10.

Carter,	Glascock,	Simkins,
Crane,	Potter,	Stephens,
Finch,	Seale,	Townsend.

Frank.

NAYS—11.

Atlee,	Johnson,	Sims,
Clemens,	Kearby,	Tyler,
Garwood,	Kimbrough,	Weisiger.
Harrison,	Maetze,	

The secretary read, by order of the chair, the following invitation from His Excellency, the Governor:

EXECUTIVE OFFICE.

Austin, February 26, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Dear Sir—The Governor requests that you will kindly announce to the Senate and its officers his desire to meet them and their ladies at a reception which Mrs. Hogg and himself tender them at the Mansion on Friday evening, the 27th, from 4 to 10 o'clock.

Very respectfully,

R. B. LEVY,
Private Secretary.

Senator Simkins moved to adjourn to 10 a. m. tomorrow which was declared out of order by the chair.

Senator Crane moved to suspend the call.

Adopted.

Senator Carter withdrew his motion to order the previous question.

Senator Pope moved to adjourn to 10 a. m. tomorrow which motion was adopted with the understanding that Senator Johnson be entitled to the floor on the pending business, Senate bill No. 1.

THIRTY-NINTH DAY.

SENATE CHAMBER, }
AUSTIN, February 27, 1891. }

Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answering to their names:

PRESENT—25.

Atlee,	Glasscock,	Potter,
Carter,	Harrison,	Sale,
Clark,	Ingram,	Sims,
Clemens,	Johnson,	Simkins,
Crane,	Kearby,	Stephens,
Cranford,	Kimbrough,	Townsend,
Finch,	Lubbock,	Tyler,
Frank,	Maetze,	Weisiger.
Garwood,	Pope,	

ABSENT—None.

Prayer by the chaplain, Dr. Smoot.

Pending the reading of the Journal on motion of Senator Kimbrough further reading of the same was dispensed with.

On motion of Senator Finch Senator Ingram was excused for yesterday on account of sickness.

PETITIONS AND MEMORIALS.

By Senator Finch:

Petition of Alex. Gelmer and J. G. Burton for revival of teachers claims.

The president gave notice of signing and signed in presence of the Senate

House bill No. 510, entitled "An act to amend article 145, chapter 3 of the revised civil statutes of Texas."

Senator Kimbrough made the following reports:

COMMITTEE ROOM,

Austin, February 26, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on State Affairs, to whom was referred

Senate bill No. 285, being "An act to provide for the purchase by the State of the oil painting known as 'the Log Cabin History of Texas, painted by Prof. H. A. McArdle, and to make an appropriation therefor,"

Have had the same under consideration, and instruct me to report the same back to the Senate with the recommendation that it do pass.

KIMBROUGH, Acting Chairman.

COMMITTEE ROOM,

Austin, February 26, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on State Affairs, to whom was referred

Senate bill No. 313, being "An act for the relief of Wiley Thompson, C. Cannon, H. M. Jarrett, J. M. Brown, W. A. D. Armstrong, Frank Templeton and E. C. Dickinson from pecuniary liability on the official bond of Wm. Neal Raney, as assistant superintendent of the Texas penitentiary at Rusk,"

Have had the same under consideration, and I am instructed to report that the constitutional requirement requiring notice by publication in a newspaper for thirty days has been complied with, and to report the same back to the Senate with the recommendation that it do pass.

KIMBROUGH, Acting Chairman.